
UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

HERMEN ZUNIGA CASTRO
a/k/a "HELMER ZUNIGA"
a/k/a "HERMEN ZUNIGA"
a/k/a "HELMER MENDOZA"

: Hon. Cathy L. Waldor, U.S.M.J.

: Mag. No. 13-7167

: **CRIMINAL COMPLAINT**

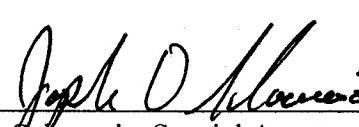
I, Joseph Salavarria, being duly sworn, state the following is true and correct to the best of my knowledge and belief:

SEE ATTACHMENT A

I further state that I am a Special Agent with Homeland Security Investigations and that this Complaint is based on the following facts:

SEE ATTACHMENT B

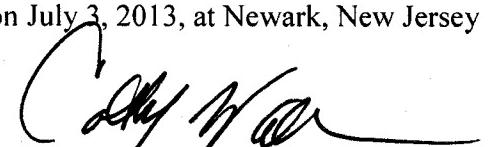
continued on the attached page and made a part hereof.



Joseph Salavarria, Special Agent

Homeland Security Investigations

Sworn to before me and subscribed in my presence,
on July 3, 2013, at Newark, New Jersey


HONORABLE CATHY L. WALDOR
UNITED STATES MAGISTRATE JUDGE

ATTACHMENT A

COUNT 1
(Attempted Sex Trafficking by Force)

From on or about April 2011 through on or about October 11, 2011, in the District of New Jersey, and elsewhere, defendant

HERMEN ZUNIGA CASTRO
a/k/a "HELMER ZUNIGA"
a/k/a "HERMEN ZUNIGA"
a/k/a "HELMER MENDOZA"

did knowingly and intentionally attempt to recruit, entice, harbor, transport, provide, obtain, and maintain by any means a person, namely "E.M.", in or affecting interstate and foreign commerce, knowing, and in reckless disregard of the fact, that mean of force, threats and force, fraud, coercion, and any combination of such means would be used to cause E.M. to engage in a commercial sex act, contrary to Title 18, United States Code, Section 1591(a)(1).

In violation of Title 18, United States Code, Sections 1594(a) and 2.

COUNT 2
(Interstate Stalking)

From on or about September 2011 to on or about October 11, 2011, in the District of New Jersey, and elsewhere, defendant

HERMEN ZUNIGA CASTRO
a/k/a "HELMER ZUNIGA"
a/k/a "HERMEN ZUNIGA"
a/k/a "HELMER MENDOZA"

did knowingly and intentionally travel in interstate or foreign commerce with the intent to kill, injure, harass, and place under surveillance with intent to kill, injure, harass, and intimidate a person, namely "E.M.", and in the course of, and as a result of, such travel placed "E.M." in reasonable fear of death, and serious bodily injury to, and cause substantial emotional distress to "E.M."

In violation of Title 18, United States Code, Section 2261A(1).

ATTACHMENT B

I, Joseph Salavarria, am a Special Agent with the Homeland Security Investigations. I have knowledge of the following facts based upon both my investigation and discussions with other law enforcement personnel and others. Because this affidavit is being submitted for the sole purpose of establishing probable cause to support the issuance of a complaint, I have not included each and every fact known to the government concerning this matter. Where statements of others are set forth herein, these statements are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged.

I. Background

1. From in or about June 2007 through in or about October 2007, defendant HERMEN ZUNIGA CASTRO a/k/a "HELMER ZUNIGA", a/k/a "HERMEN ZUNIGA", a/k/a "HELMER MENDOZA" (hereinafter, "ZUNIGA"), relentlessly stalked E.M. In or about November 2007, E.M. left her home country of Honduras and was smuggled into the United States by ZUNIGA out of fear that ZUNIGA would kill her family, including her son. During a two-year period in the United States, ZUNIGA physically abused E.M.; forced her to work as a housekeeper and as a prostitute; terrorized E.M. on a daily basis by calling her several times each day to make sure she had not fled; threatened to kill E.M.'s family if she tried to flee; and monitored E.M.'s every move. E.M. was rescued in November 2009, when ZUNIGA was arrested and removed from the United States. Shortly after his removal, however, ZUNIGA began calling E.M. several times each day and threatened to come to the United States to force E.M. into prostitution. True to his word, ZUNIGA traveled to New Jersey in October 2011 in an attempt to control E.M., transport her to Texas, and force her into prostitution.

II. Zuniga's Conduct in Honduras

2. ZUNIGA is a Honduran national with no legal status in the United States.
3. In or about June 2007, E.M. was a Honduran national residing in Honduras with her three-year-old son, her boyfriend F.M., and F.M.'s family. E.M. worked in a retail store owned by F.M.'s family.
4. Beginning in about June 2007, ZUNIGA began entering the retail store where E.M. worked. ZUNIGA complimented E.M. on her appearance and eventually started asking her out on dates. E.M. declined ZUNIGA's advances and told him that she was married. Nonetheless, ZUNIGA's advances towards E.M. escalated. ZUNIGA entered the retail store on multiple occasions and told E.M. that she had to leave her boyfriend and to be with ZUNIGA. On another occasion, ZUNIGA attempted to hit FM's mother with a vehicle in the presence of E.M. and FM. Several days after the attempted hit, ZUNIGA entered the store with two men, lifted his shirt to reveal a firearm, told E.M. that he had been watching her house and that he would kill her family. ZUNIGA also approached E.M. several times while E.M. walked around her neighborhood.

5. Finally, in or about October 2007, E.M. broke up with F.M., moved out of F.M.'s house, and moved in to her mother's house. During this time, ZUNIGA raped E.M., threatened to hurt her family if she did not do as ZUNIGA ordered, and several times told E.M.: "What's it going to be, you or your family?"

III. Zuniga's Conduct in the United States

6. In or about November 2007, ZUNIGA forced E.M. to leave Honduras for the United States by telling E.M. that he would kill her son and boyfriend if E.M. refused to leave with him. During the trip across the border between Mexico and Texas, ZUNIGA and a second man with whom E.M. and ZUNIGA traveled raped E.M. ZUNIGA also allowed a third man to rape E.M. as payment for the passage from Mexico to Texas. After the group crossed the border into the United States, ZUNIGA told E.M. that she owed ZUNIGA \$4,000 for smuggling her into the United States. In the United States, ZUNIGA continued to terrorize E.M. by threatening to hurt E.M.'s family in Honduras if she refused to work as a housekeeper and a prostitute.

7. Beginning in about January 2008, ZUNIGA forced E.M. to work as a nanny and housekeeper for a family in Laredo, Texas, for which E.M. was paid approximately \$180 each week. ZUNIGA forced E.M. to give him most of her pay. During this time, E.M. and ZUNIGA resided with ZUNIGA's sister, who drove E.M. to and from work each day.

8. From in or about March 2008 until in or about May 2009, E.M. resided with the Laredo family and continued to work as a nanny and housekeeper. Even though she resided with the Laredo family, ZUNIGA did not allow E.M. to leave or contact anyone outside the house. ZUNIGA called E.M. several times every day to make sure she had not fled. During the telephone calls, ZUNIGA screamed at E.M. and threatened to have her family killed if she ran away from him. For two to three days each week, ZUNIGA took E.M. from the house in Laredo to a hotel, where he sexually and physically abused her, and threatened to kill her family if she tried to run away.

9. In addition to being forced to work as a nanny and housekeeper, ZUNIGA forced E.M. to work as a prostitute. Every weekend in or about February 2008, ZUNIGA forced E.M. to have sex with strange men in a trailer owned by ZUNIGA's aunt, in Laredo, Texas. After four weeks, E.M. was permitted to stop working as a prostitute in the trailer. ZUNIGA told E.M. that he wanted to take her to Houston, Texas, where there were other prostitutes who would teach E.M. more things.

10. One day in or about June 2009, ZUNIGA arrived unannounced at the home of the family for whom E.M. worked. ZUNIGA broke down the front door of the house, told E.M. to grab her belongings, and removed her from the house. ZUNIGA took E.M. to a house in the vicinity of Johnson City, Texas, where he forced E.M. to have sex with different men for money. ZUNIGA charged the men approximately \$20 for each sex act with E.M. After approximately three days, ZUNIGA told E.M. that he was going to take her to Houston, Texas, where E.M. would work as a prostitute.

11. In or about July 2009, ZUNIGA took E.M. to a house in the vicinity of Cleburne, Texas. For about one week, ZUNIGA forced E.M. to have sex with other men residing in the

same house, including relatives of ZUNIGA. ZUNIGA charged each man approximately \$20 per sex act.

12. In or about October 2009, Zuniga told E.M. that he wanted to brand E.M. with ZUNIGA's initials so that everyone would know that E.M. belonged to him. Unable to locate an object in the shape of his initials, ZUNIGA used a knife to carve an "H" into the left side of E.M.'s abdomen.

13. On or about October 27, 2009, ZUNIGA was arrested by the Cleburne Police Department for a traffic violation. On or about November 4, 2009, ZUNIGA was charged in the Northern District of Texas with illegal re-entry, in violation of 8 U.S.C. § 1326. He was sentenced to 14 months' imprisonment. On or about January 21, 2011, an immigration judge issued an order removing ZUNIGA from the United States. In or about February 2011, ZUNIGA was removed from the United States to Honduras.

IV. Zuniga Re-Enters the United States

14. Beginning in about April 2011, approximately two months after ZUNIGA was removed to Honduras, ZUNIGA made contact with E.M.'s family in Honduras. On one occasion, ZUNIGA went to E.M.'s family's house in Honduras demanding that they tell him E.M.'s whereabouts. Shortly thereafter, E.M. received a telephone call from her mother when ZUNIGA was standing next to E.M.'s mother, threatening to hurt E.M.'s mother. ZUNIGA told E.M. that if she did not answer ZUNIGA's calls, he would harm her family.

15. Soon thereafter, E.M. began receiving threatening telephone calls from ZUNIGA. During the calls, ZUNIGA threatened to come to the United States and take E.M. to Houston, where he would force her to work as a prostitute. ZUNIGA told E.M. that she still owed him money for the passage from Honduras to the United States. ZUNIGA called E.M. two times each day demanding to know exactly where E.M. lived. Initially, E.M. lied to ZUNIGA about where she lived. ZUNIGA, however, did not believe E.M. and told her that he was sending her money via Western Union and that E.M. had better pick up the money immediately or he would harm E.M.'s family. ZUNIGA also told E.M. to send him money. ZUNIGA sent E.M. money from Honduras on three occasions in April, June, and September 2011. E.M. sent ZUNIGA money to Honduras via Western Union on or about July 5, 2011.

16. In or about September 2011, ZUNIGA called E.M. and told her that he would be traveling to New Jersey to get her. ZUNIGA told E.M. that he was on his way to New Jersey and that he and E.M. were going to go to Houston with the money that ZUNIGA had sent to E.M.

17. In or about September 2011, ZUNIGA called E.M. and told her that he was en route to New Jersey. During the trip, ZUNIGA called E.M. several times to let E.M. know that he was getting closer to New Jersey.

18. Early on the morning of October 11, 2011, ZUNIGA called E.M. and told her that he had arrived in New Jersey by bus, that he had spent the night at Newark Pennsylvania Station ("Penn Station"), and that during his trip he had used other people's cell phones to call E.M.

ZUNIGA also told E.M. that she had better go to Penn Station to meet him. Later that morning, ZUNIGA called E.M. a second time and told her that he was standing outside of a Bank of America branch in the Gateway Center, near Penn Station. Soon thereafter, federal agents arrested ZUNIGA in front of the Bank of America branch in the Gateway Center.